

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ALBERT T. BEANE, JR., and all others  
similarly situated,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON  
CORP., BNY CONVERGEX EXECUTION  
SOLUTIONS, LLC and CALLAN  
ASSOCIATES, INC.,

Defendants.

**07 CIV 9444 (RMB)**

**NOTICE OF APPEARANCE**

PLEASE TAKE NOTICE that Thomas A. Arena of Milbank, Tweed, Hadley & McCloy LLP, hereby appears in the above-captioned action as counsel for Defendants Bank of New York Mellon Corp. and BNY Convergenx Execution Solutions, LLC.

Dated: New York, NY  
November 30, 2007

MILBANK TWEED HADLEY & MCCLOY LLP

By: s/ Thomas A. Arena

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The Bank of New York Mellon Corp.  
BNY Convergenx Execution Solutions, LLC*

**CERTIFICATE OF FILING**

I hereby certify that on November 30, 2007, this Notice of Appearance was filed through the ECF system.

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s/ Thomas A. Arena